Message

From: Deegan, Dave [Deegan.Dave@epa.gov]
Sent: 12/31/2020 1:02:27 PM
To: R1 Executives All [R1ExecutivesALL@epa.gov]
Subject: FW: Daily News Clips December 30, 2020

From: Gibson, Neshawne
Sent: Thursday, December 31, 2020 8:02:23 AM (UTC-05:00) Eastern Time (US & Canada)
To: AO OPA OMR CLIPS
Subject: Daily News Clips December 30, 2020

Daily News Clips December 30, 2020

Air
National Geographic: This landmark law saved millions of lives and trillions of dollars

Legal
Independent: EPA considers legal action over damage from wind farm landslide

Water
Dredging Today: EPA completes two GLLA projects in Michigan
The Gazette: New EPA rule requires lead testing of school water
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This landmark law saved millions of lives and trillions of dollars

The U.S. Clean Air Act turns 50 on December 31. America's dramatically cleaner skies are evidence of what legislation and innovation can do.

HTTPS://WWW.NATIONALGEOGRAPHIC.COM/ENVIRONMENT/2020/12/CLEAN-AIR-ACT-SAVED-MILLIONS-OF-LIVES-TRILLIONS-OF-DOLLARS/#CLOSE

BY BETH GARDINER
DECEMBER 29, 2020

FIFTY YEARS AGO, a group of Democratic and Republican senators spent months working together in Washington, D.C. to tackle a danger they all agreed was harming Americans' health and lives. Huddled in committee rooms for hours on end, they listened to one another's ideas, traded jokes across party lines and, in the end, produced a bill that won unanimous Senate approval and passed the House of Representatives with just one "no" vote.

The Clean Air Act, signed by President Richard Nixon on December 31, 1970, would become one of modern America's most consequential laws. Translated into real-world rules by the newly established Environmental Protection Agency, the act has since reduced air pollution in the United States by 70 percent—even as the population, the economy, and the number of cars on roads have grown.

That slow, steady clean-up has lengthened millions of American lives, saved trillions of dollars, and made the U.S. a global air pollution success story.

"The Clean Air Act remains the most powerful public health law enacted in the twentieth century in the United States," said Paul Billings, a senior vice president at the American Lung Association. "It's the difference-maker in why air quality in the United States in so many communities is so much better than it was, and so much better than it is in other parts of the world."

Because lawmakers wrote it to evolve along with scientific and technological advances, it "has stood the test of time," said Billings, whose father played a key role in drafting the bill as a young Senate aide. It "really has been able to be resilient."

The act's work is not done—more than 60,000 Americans still die prematurely from the effects of air pollution every year, and they are disproportionately poor, Black, and Latino. And after decades of progress, the country's air is now getting worse again: The Trump Administration's aggressive rollback of health- and environment-protecting regulations, and its weakening of enforcement, as well as the effects of climate change —epic wildfires and warmer temperatures–have brought an upward tick in pollution levels, the American Lung Association says.

Yet the 50th anniversary of the Clean Air Act is also a moment for hope: It's a reminder of how capable we are of cleaning up pollution, and solving problems that seem intractable, when our political leaders are prepared to act on scientific evidence.

Born of tumult

The Clean Air Act's effectiveness is a testament to the foresight of the man widely seen as its father, Senator Edmund Muskie of Maine, and also to the other members of the Air and Water Pollution subcommittee he chaired, said Ann Carlson, an environmental law professor at UCLA's law school. The law "was really, really monumental in a way that very few statutes are," she said.

Its innovative design, with a focus on evidence, accountability, and ambitious health-based goals, reflected the seriousness with which the senators approached their task, said Tom Jorling. In 1970, he was a young lawyer advising the Republicans on the panel. He and his Democratic counterpart, Leon Billings, would often ride home together in Billings's pickup truck, dictating notes into a recorder as they turned their bosses' ideas into legislative language.

Their bipartisan friendship reflected the trust the senators also placed in one another. The subcommittee members—Democrats like Muskie and Thomas Eagleton, Republicans like Bob Dole and Howard Baker—didn't let ego or partisanship get in the way of what they wanted to accomplish, Jorling said.

Work on the bill began just after the assassinations of Martin Luther King Jr. and Robert F. Kennedy in 1968. Vietnam War protesters crowded congressional corridors as the senators worked.

"There was a real sense of upheaval," Jorling said. The lawmakers, he recalled, saw it as an indication that "the public is losing confidence in our ability to solve problems. And the Clean Air Act gave [them] a chance to demonstrate that they could craft a response to a serious issue."

That issue was one Americans could see plainly. "The air was dirty," Jorling said. "Your car would have a layer of dust and debris on it overnight, and you had to change your shirts once or twice a day because the collars would become grey and discolored."

Such air is also a grave health threat—that was already clear then, and has become ever more so in the last half century. A vast body of scientific evidence now links air pollution to early death and to such health problems as heart attacks, strokes, cancer, dementia, premature birth, and diabetes.

Putting health first

The law created a partnership between Washington and the states, and required the EPA to set standards the nation's air must meet. In determining those pollution limits, the agency could take only one factor into account—what the evidence said was best for Americans' health. Considerations of cost and technological feasibility could come later, in figuring out how to achieve the standards, but putting human well-being above all else in setting them was a powerful reordering of priorities.

The act also introduced an unprecedented level of accountability, in part through a first-of-its-kind provision that has since been used in many environmental laws. Known as "citizen suit," it gave Americans the right to take their government to court if it failed to do its job. That, said Carlson, has meant "there's this outside pressure" to clean up.

Baker, a Tennessee Republican who went on to become Senate majority leader and later President Ronald Reagan's chief of staff, insisted on requiring companies to cut pollution faster than existing technology allowed, forcing them to innovate.

That push sprang, Jorling said, from a deeply held belief in American inventiveness, which for many senators came out of their experience of the tremendous collective effort made to win World War II. "They realized that if the nation had to have something, it produced it," he said.

Carmakers protested that the law's demand that they cut pollution by 90 percent was unreasonable. In the end, though, they did it—and more. Thanks to Baker's vision, today's cars are 99 percent cleaner than those produced before 1970. Among the earliest achievements was the removal of lead from gasoline (and therefore from the air). It resulted in a drop in blood lead levels large enough to spare every child the loss of between two and four IQ points.

The creativity Baker's mandate unleashed meant the improvement was far cheaper than opponents had predicted. Indeed, one of the Clean Air Act's most remarkable qualities has been its overall cost-effectiveness. Measured in dollar terms, its benefits are estimated to be more than 40 times greater than its cost, EPA-commissioned research found.

Looking forward

A key reason for the law's continued relevance is the future-proofing its drafters built in. It requires the EPA to review air quality standards every five years and update them in accordance with the latest evidence.

Scientists and public health advocates have often been dissatisfied with the agency's decisions—the most recent example being the Trump Administration's announcement that it would not tighten rules on tiny, dangerous pollution particles known as PM2.5. But the long-term trajectory of America's air pollution over the past half-century has been downward.

"It's a statute that was designed to evolve with science," Paul Billings said.

The act explicitly applies to pollutants that were not yet understood when it was passed. The Supreme Court ruled in 2007 that it covered greenhouse gases, a decision which has made the 1970 law America's main legal tool for climate action—although the court's new conservative majority may well rein in such regulation, Carlson said.

An important set of amendments in 1990 helped America make a big dent in its acid rain problem, join the global effort to shrink the stratospheric ozone hole, and reduce emissions of many toxic chemicals.

Despite its successes, advocates say there's a long way to go before the Clean Air Act truly fulfils its promise. Nearly 46 percent of Americans still breathe dirty air, the American Lung Association reports. Communities of color, and poor people, are disproportionately affected, because they are more likely to live near highways, power plants, incinerators, and other pollution sources.

"You've got communities across our country where folks are still struggling to breathe," said Mustafa Santiago Ali, a vice president of the National Wildlife Federation and former senior environmental justice adviser at the EPA. "We've got to be laser-focused on our most vulnerable" neighborhoods.

That's especially true at the end of a presidency that has aggressively rolled back regulations on everything from automobiles to power plants, he said. The Trump Administration has also gutted the EPA's enforcement capacity, shrinking its staff, driving away experts, and letting polluters flout the rules.

The Clean Air Act "has survived, but it has been damaged because of the constant attacks," Ali said.

Particularly devastating has been the administration's effort to undermine the law's most important pillar, its grounding in science. The EPA has kicked scientists off advisory panels and replaced them with executives from polluting industries; it has changed the way regulations' costs and benefits are calculated to make it harder to enact new rules. In Trump's last weeks in office, EPA director Andrew Wheeler is pushing to

finalize a rule that would in effect exclude the most important studies on air pollution's health dangers from consideration by regulators.

Now, as dirty air intersects with a COVID-19 pandemic whose dangers it has exacerbated, a climate crisis whose root causes it shares, and rising demands for racial justice, Ali said the time was right to build on the landmark law's achievements.

"There was a huge amount of energy in the late sixties and early seventies, and now we see it again, 50 years later, where you have a new generation that understands how important it is to have clean air," Ali said. "I hope we'll come to a point in our history, sometime soon, where not only do we understand the value of [the act], but we're willing to do the hard work of enhancing it."

New EPA rule requires lead testing of school water

Water utilities must work to replace lead service lines

https://www.thegazette.com/subject/news/health/new-epa-rule-requires-lead-testing-of-school-water-20201229

By ***Erin Jordan***

December 29, 2020

For the first time, water utilities will be required to test the drinking water at schools and child care centers for lead, which can damage children's brains and nervous systems, slow growth and cause learning, behavior, hearing and speech problems.

The change is part of long-awaited revisions to the U.S. Environmental Protection Agency's **Lead and Copper Rule, published Dec. 22.**

"A community water system will have to sample 20 percent of the school and licensed child care facilities in their service area each year over five years," said David Cwiertny, a University of Iowa environmental engineering professor and director of the **Center for Health Effects of Environmental Contamination**. "Hopefully, they will have sampled everybody in those five years. This will fill the hole in the existing lead and copper rule."

The rule that had been in place since 1991, with only minor revisions, came under attack in 2014 when **Flint, Mich., residents started getting sick from lead in drinking water**. The source of the lead was from corroded lead pipes and service lines.

The new rule, which would go into effect in late 2023 or early 2024, says if lead in public water supplies exceeds 10 parts per billion, municipalities must start replacing lead service lines and study how to treat the corrosion problem.

If there is a future overage of the standard, a city or other municipality must implement the treatment approach immediately, **the EPA reported.**

Cedar Rapids has added a low concentration of zinc orthophosphate to its water since the 1990s to control lead corrosion and samples water at 53 locations every year, Amy Knudsen, utilities water quality specialist, said in an email.

But the new rule will require the city to re-evaluate its corrosion-control program and do a service-line inventory, Knudsen said. The goal is to replace all lead service lines over time.

Cedar Rapids has been preparing for the changes by getting lists of schools and child care centers for future testing and education, she said.

Under the new rule, community water systems must test five water sites, such as a drinking fountain or sink, at each elementary school and two sites at a child care center.

That's still not enough, Cwiertny said.

"I fear that schools will not understand this, get their few data points, and think their work is done and their water is safe," he said. "That is not the case without more expanded testing."

Cwiertny leads a UI program that offers free lead testing of elementary school drinking water sources, with UI staff and students testing every water site in a building. The program offers up to $10,000 per school for testing and remediation.

The EPA last year allocated $460,000 of a national grant to Iowa for voluntary lead testing of school water supplies. It's unclear how that program, put on hold until 2021 because of COVID-19, fits with the new lead and copper rule requirements.

EPA completes two GLLA projects in Michigan

https://www.dredgingtoday.com/2020/12/30/epa-completes-two-glla-projects-in-michigan/

By Eldin Ganic
December 30, 2020

U.S. EPA yesterday announced the completion of two multi-million-dollar Great Lakes Legacy Act (GLLA) projects in Michigan through the Great Lakes Restoration Initiative (GLRI).

These two projects remediated a total of 23,600 cubic yards of contaminated sediment within the Muskegon Lake and Detroit River Areas of Concern (AOCs), two of 43 areas identified in the mid-1980s by the United States and Canada as the most environmentally degraded areas in the Great Lakes ecosystem.

"This is another great example of how effective this agency has been following the priorities of this Administration – the completion of these Great Lakes Legacy Act projects demonstrate that when federal, state, local, and industry partners work together collaboratively, we can solve complex environmental problems and get the job done," said Region 5 Administrator and Great Lakes National Program Manager, **Kurt Thiede**.

"These cleanups in the Muskegon Lake and Detroit River AOCs will significantly advance our efforts to restore water quality in these two important waterways."

At the Ryerson Creek Outfall in Muskegon, EPA dredged 10,600 cubic yards of contaminated sediment and removed over 2,000 tons of mill debris, and then covered the entire two-acre area with clean sand.

EPA completed the $6.6 million cleanup in collaboration with the Michigan Department of Environment, Great Lakes and Energy (EGLE), Muskegon County, Mich., and an industry partner.

Along the Detroit Riverwalk, EPA dredged approximately 13,000 cubic yards of contaminated sediment just downstream of the MacArthur Bridge that leads to Belle Isle.

EPA isolated and stabilized the contaminated sediment with a "cap" made of clean material. This $2.9 million cleanup was funded through a GLLA cost-sharing partnership with the Detroit Riverfront Conservancy (DRFC).

DRFC covered the sediment cap with stone rip rap, which stabilized an aging seawall and provided geophysical support for the future Detroit Riverwalk extension, which will connect Mt. Elliott and Gabriel Richards parks.

EPA also collaborated with USACE, EGLE and the City of Detroit to complete this project.

EPA considers legal action over damage from wind farm landslide

https://www.independent.ie/news/environment/epa-considers-legal-action-over-damage-from-wind-farm-landslide-39912338.html

By Caroline O'Doherty

December 30, 2020

The Environmental Protection Agency (EPA) has said it is considering legal action against those responsible for a landslide at the construction site of a new wind farm.

Last November's slide at Meenbog in Co Donegal brought thousands of tonnes of peat and trees down the hillside and into the River Finn.

The Finn, which runs through Donegal and Tyrone, is a special area of conservation, renowned for its salmon, trout and otters.

Spawning beds have been smothered along stretches of the river and the full extent of the damage to wildlife is still under assessment by agencies north and south of the Border.

EPA inspectors visited the site before Christmas and said they were now considering invoking the Environmental Liability Directive. EU law gives the agency powers to order remediation works to be carried out, recover the costs of the works and the losses caused, and to prosecute for any failures to comply.

"The EPA is the competent authority for enforcing these regulations. The ELD (Environmental Liability Directive) is relevant to the Donegal bog slide, as there is a Special Area of Conservation very close by," the agency said.

The SAC is the River Finn, which is a protected river for salmon, lamprey and otters. The damage to the river is being caused by peat, which is covering the river bed where the salmon spawn.

Invis Energy, owners of the turbines which are being built to supply energy to Amazon data centres, declined to comment except to point to a statement from the cross-border Loughs Agency which reported that the land slippage had stabilised.

Donegal County Council said it was continuing to monitor the site where the focus was still on stabilisation to prevent further slippage and pollution.

"The wind farm developer is in the process of providing a number of reports and documentation to the statutory agencies on foot of various requests," it said.

"No works are planned on the site of the wind farm in the interim, other than those necessary to maintain the integrity of the site and of the emergency measures, until the agencies have reviewed the documentation provided."

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Ex. 6 Personal Privacy (PP)